

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
January 14, 2004

MEMBERS

Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptasznik, Jr.
Andrew A. Simasek

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Amy Parker, and Maggie Costello.

REMARKS

Chair Simasek remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF MINUTES

Regular meeting, November 12, 2003: Motion to approve made by Mr. Hamilton; approved 7:0.
Regular meeting, December 10, 2003: Motion to approve made by Mr. Heavner; approved 7:0.

PUBLIC HEARINGS

Application No. UP-629-04, Osprey Property Company: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 9(b)) of the York County Zoning Ordinance, to authorize the establishment of a senior housing independent living facility on a portion of a 6.46-acre parcel of land located at 222 Commons Way (Route 690). The property is located on the west side of Commons Way, approximately 1000 feet

south of its intersection with Bypass Road (Route 60). The property, further identified as Assessor's Parcel No. 9-9-2, is zoned GB (General Business) and is designated for General Commercial development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, presented a summary of the staff report to the Commission dated January 5, 2004. She noted the receipt of letters from the City of Williamsburg, dated December 19, 2003, raising several concerns that **Ms. Parker** said have been considered and addressed in the proposed conditions of approval; and 1st Advantage Federal Credit Union, dated January 6, 2004, stating no objection to the proposed use. [Letters filed with Minutes of Record.]

Mr. Davis inquired about railway traffic on the CSX track abutting the property to the south and west. **Ms. Parker** said it is an active rail line for passenger and coal trains.

Mr. Harvell wondered about the type of walkway proposed along Commons Way, and **Ms. Parker** said it would be required to meet Virginia Department of Transportation standards.

Mr. Ptasznik asked if the walkway connecting the facility to the nearby Cracker Barrel restaurant would be lighted, and **Ms. Parker** said lighting is provided at the restaurant parking lot but an additional condition of approval would be necessary to require more lighting for the walkway.

Mr. Simasek asked if early marketing efforts would target York County residents. **Ms. Parker** was not familiar with the applicant's marketing strategy.

Elizabeth L. White, Esquire, Kaufman & Canoles, 4801 Courthouse Street, Williamsburg, spoke on behalf of the applicant and introduced Mr. Corbin Anderson of Osprey Properties; Messrs. James Peters and Chris Basic, AES Consulting Engineers; and Mr. Ed Winks, Winks Snowa Architects.

Mr. Corbin Anderson, Richmond, Virginia, said the applicant has developed over 30,000 residential units, 5,000 of those as senior housing units. Mr. Anderson said the applicant shares with York County the desire to limit urban sprawl and, for that reason, believes the proposed site is well suited for a senior community of active adults utilizing services existing in the community to promote a healthy lifestyle.

Ms. White spoke about the demographics of the applicant's target population and how they correspond to the projected growth of the local senior population. She said the Board of Supervisors has recognized the need for the County to provide more housing opportunities for seniors. The proposed project is geared to middle-income seniors, according to Ms. White, and offers an excellent transition from single-family living through the existing banks, retail and restaurant establishments in proximity to the selected site. The applicant has complied fully with all performance standards, Ms. White added, and has proposed landscaping exceeding minimum standards. She asked for support of the application.

Mr. Davis asked what the rental is expected to be, and **Mr. Anderson** said rents will range from \$700 to \$1,500 per month depending upon the amount of a required down payment.

Mr. Hamilton inquired about proximity to a fire station. York County Assistant Fire Chief, **Mr. James Dishner**, indicated the closest station to the proposed site is on Hubbard Lane, less than five minutes away. He noted a mutual aid agreement among York and James City counties and the City of Williamsburg by which all three would respond in case of a structural fire.

Ms. White then responded to Mr. Davis's earlier inquiry about train traffic, noting the Amtrak schedule calls for four passenger trips each weekday, six each Saturday and Sunday; and up to ten CSX freight trains during any 24-hour period.

Mr. Ptasznik asked if the applicant would agree to place extra lights on the pedestrian path leading from the facility to the Cracker Barrel restaurant. **Ms. White** replied the applicant would accept such a condition.

Mr. Harvell inquired about the cost of the project and **Mr. Anderson** estimated the total cost to be \$12 million.

Mr. Bobby Hornsby, 2 Kensington Court, Williamsburg, represented the Hornsby family, owners of the property in question. Mr. Hornsby said the proposal represents a superior use of the land and the family recommends approval of the application.

Chair Simasek closed the public hearing.

Mr. Harvell said there is a need for this type of housing and the proposed development would complement the area.

Mr. Barba agreed, adding the location is good and the developer offers good support.

Mr. Ptasznik referred to the series of discussions last year by the Planning Commission Senior Housing Subcommittee. He believed the subject proposal would meet the criteria agreed upon and the zoning is suitable for this project. He supported its approval but recommended additional lighting for the walking path to the Cracker Barrel restaurant.

Mr. Heavner commended the developer for creativity and insight.

Mr. Simasek agreed that the location is appropriate and the project would be good for the citizens of the County.

Mr. Hamilton moved the adoption of proposed Resolution PC04-1(R-3), revising Condition No. 5 to require additional pathway lighting as recommended by Mr. Ptasznik.

PC04-1(R-3)

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 100-SUITE SENIOR HOUSING INDEPENDENT LIVING FACILITY ON COMMONS WAY (ROUTE 690)

WHEREAS, Osprey Development Company has submitted Application No. UP-629-04, which requests a Special Use Permit, pursuant to Sections 24.1-306 (Category 1, No. 9(b)) of the York County Zoning Ordinance, to authorize the establishment of a 100-suite senior housing independent living facility on a 5.46-acre portion of a 6.46-acre parcel located on the west side of Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of January, 2004, that Application No. UP-629-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a 100-suite senior housing independent living facility subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 100-suite (not including the hospitality suite) senior housing independent living facility on an 5.46-acre portion of a 6.46-acre parcel located on Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Conceptual Plan for Special Use Permit, Commons Way Independent Living for Osprey Property Company," prepared by AES Consulting Engineers and dated 11/3/03, revised to 1/05/04, and architectural elevations prepared by Edward H. Winks and James D. Snowa Architects, dated 11-24-03, revised to 12/31/03 and received by the Planning Division 1/05/04, except as modified herein.
3. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
4. The facility shall be constructed in accordance with measures outlined in the document, "Commons Way Senior Housing Community – Life Safety Narrative," prepared by Edward H. Winks and James D. Snowa Architects, P.C., and dated January 6, 2004, which is made a part of this Resolution by reference. A fire lane with a minimum width of 18 feet shall be constructed to provide adequate emergency vehicle access to the rear of the building, as approved by the Fire Chief.
5. A concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator shall be constructed to provide safe and convenient pedestrian access from the parking area of the independent living facility along its main entrance driveway to Commons

Way. The applicant shall construct a 5-foot concrete sidewalk meeting Virginia Department of Transportation standards along Commons Way within the existing right-of-way across the width of the subject property affected by this Special Use Permit and connecting to the entrance/exit driveway for the adjacent Fort Eustis Credit Union bank. The applicant shall construct a concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator to provide lighted, safe and convenient pedestrian access from the northwest corner of the subject site to the southwest corner of the adjacent Cracker Barrel restaurant site.

6. The existing asphalt road located in the northwest corner of the site shall be removed and landscaped in accordance with Article 2, Division 4 and Section 24.1-411 (e & f) of the Zoning Ordinance.
7. The maximum number of resident suites shall be one hundred (100) plus one hospitality suite.
8. All outdoor lighting associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto abutting or adjacent properties and shall incorporate the use of full cut-off, shielded luminaires.
9. To facilitate screening and buffering for the existing railroad and adjacent residential dwellings, landscaping within the 50-foot perimeter buffer along the southwest boundary of the site (parallel to the CSX railroad right-of-way) shall meet minimum planting standards equivalent to a Transitional Buffer Type 50 as set forth in Zoning Ordinance Section 24.1-243(a)(3). Fifty percent (50%) of the required landscape credits shall be derived from evergreen shrubs that will attain a mature height of at least six feet.
10. To ensure that there was no contamination of the site as a result of the previous fuel oil distribution use, a Phase II Environmental Site Assessment shall be completed and submitted to the County prior to issuance of building permits for the subject facility. The existing aboveground storage tank shall be registered with the Virginia Department of Environmental Quality and evidence of the registration shall be submitted to the County prior to its removal from the site. The applicant and/or the property owner shall be responsible for implementation of any remedial decontamination measures if required by the Virginia Department of Environmental Quality prior to any construction activities on the property.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. ZT-81-04, York County Board of Supervisors: Consider amendments to various sections of the York County Zoning Ordinance (Chapter 24.1, York County Code) to revise: Section 24.1-306 to require Special Use Permits for all Convenience Stores, Gas Stations, Car Washes, and Used Car Sales establishments; Sections 24.1-466, 467, 475, 477, and 478 to establish performance standards requiring the removal of tanks, pump islands, canopies and similar appurtenances associated with gasoline sales establishments and car washes that have been inactive/out of business for

more than nine (9) consecutive months; Sections 24.1-466 and 475 to clarify the setback and screening requirements for vehicular use areas on commercial development sites; and Section 24.1-475 to clarify and strengthen the requirements pertaining to lighting and signage on gasoline station canopies and the screening of vehicle bays and auto-related uses.

Mr. Mark Carter, Assistant County Administrator, recommended the Commission postpone the public hearing on this application to allow “new car sales” to be added as a special use and to include an additional clause to grant to the County ultimate authority for doing the required pumps/tank/canopy removal and billing the property owner, if necessary. He pointed out that the application would apply only to new uses because all existing uses in these categories are grandfathered. Mr. Carter recommended the application be readvertised for public hearing at the February 11th regular meeting. The Commission consented to re-advertise the application for public hearing at the February 11, 2004 meeting.

Application No. YVA-19-04, York County Board of Supervisors and York County Industrial Development Authority: Request to approve, pursuant to the terms of Section 24.1-327, YVA-Yorktown Village Activity District, the development of property located on the Yorktown waterfront including the projects proposed to be known as Riverwalk Landing and the Yorktown Riverwalk. Properties included in these plans consist of Assessor’s Parcel Nos. 18A-9-A1, 8-A, 8B, 1-144, 1-145, 1-146, 1-147, 1-7B, 1-11D, 1-12C, 1-12D, 1-12E, and 1-12F.

Mr. Mark Carter, Assistant County Administrator, presented the summary of the staff report to the Commission dated January 5, 2004. He displayed a number of photographs and architect’s concepts of the Riverwalk Landing and Yorktown Riverwalk proposals. Mr. Carter gave a brief history of the property along the York River, noting former owners included the Yorktown Trustees, Mrs. Mary Mathews, and, more recently, the Jamestown-Yorktown Educational Trust and York County. Other long-time property owners remain on Water Street, he noted.

Mr. Carter explained that when the County acquired the former site of Nick’s Seafood Pavilion and its parking areas, a cost/benefit analysis of bringing the restaurant into conformance with current regulations was undertaken. Based on that analysis, the decision was made to construct a new restaurant on the north side of Water Street and construct a two-tier parking terrace on the former Nick’s land, also solving a persistent waterfront-parking problem.

Mr. Carter said the concept plans are the result of many years of deliberations and community group meetings about the best uses of the riverfront, adding the projects are targeted for completion in the spring of 2005. He asked for a favorable recommendation from the Commission for both the Riverwalk Landing and the Yorktown Riverwalk concepts.

Mr. Heavner inquired if seasonal operators will be part of the retail mix. **Mr. Carter** suggested the question be referred to Mr. James Noel, Economic Development Director, whose office is handling the leasing.

Mr. Heavner asked if the projects are a co-development, and **Mr. Carter** said they are a joint undertaking between the County, which owns the land, and the Industrial Development Authority (IDA), which will lease the property. He added there would be a \$10 million investment in combined waterfront improvements, funding for which are bonds to be repaid through lodging tax revenues.

Mr. James E. Noel, Jr. reported the IDA has retained a commercial leasing company to maintain the project on a high professional level. The tenant mix will support year-around operation, possibly with some reduction in operating hours for some tenants during certain months of the year.

Mr. Hamilton asked about the timing of Phases 1 and 2. **Mr. Carter** said there is a single contractor for all buildings, street work, and drainage improvements in the primary area. The remainder of the Riverwalk project will be bid separately, he continued, to be funded partially by Virginia Department of Transportation Revenue Sharing and Transportation Enhancement funds.

Mr. Davis asked if leasing is underway. **Mr. Noel** stated that leases are being negotiated for three or four of the ten available retail spaces and interest is keen for the other spaces.

Mr. Simasek mentioned franchises. **Mr. Noel** said that franchises *per se* have not been ruled out but would have to meet the same criteria as other retail establishments, adding that the retailers should be selected carefully to obtain a mix that will attract both locals and visitors.

Mr. Davis complimented everyone who has been involved because a “very fine project” has evolved that reflects well on those concerned.

Mr. Barba agreed with Mr. Davis and said it is even better than he expected.

Mr. Ptasznik said he was excited at the prospect of tourists being attracted to Yorktown as a vacation destination.

Mr. Simasek commended all involved for patience in bringing the project to this point, adding that Yorktown is something very special and it is an honor to be a witness to the transformation. He also complimented the Board of Supervisors for supporting legislation to authorize the proposed \$2 per night tax on hotel rooms to help support tourism in the area.

Resolution PC04-3.

On motion of Mr. Ptasznik, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. YVA-19-04, WHICH REQUESTS APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLANS FOR THE YORKTOWN RIVERWALK AND THE RIVERWALK LANDING PROJECTS PROPOSED FOR CONSTRUCTION ON THE YORKTOWN WATERFRONT

WHEREAS, the York County Board of Supervisors and York County Industrial Development Authority have submitted Application No. YVA-19-04 which requests approval,

pursuant to the terms of Section 24.1-327, YVA-Yorktown Village Activity District, of the York County Zoning Ordinance, for projects known as the Yorktown Riverwalk and Riverwalk Landing, both to be located on the Yorktown waterfront; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and staff;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 14th day of January, 2004, that it does hereby recommend approval of Application No. YVA-19-04 to authorize development of the Yorktown Riverwalk and the Riverwalk Landing projects, subject to the following conditions:

1. The subject projects shall be developed in substantial conformance with the conceptual plans/renderings and photographs prepared by Rancorn Wildman Architects, attached to the memorandum to the Planning Commission dated January 5, 2004, and incorporated herein by reference.
2. The maximum building height for any structure in the proposed development, exclusive of decorative cupolas, shall be 29 feet above finished grade. The maximum height of any decorative cupola shall be 41 feet above finished grade.
3. Approval of this development concept is contingent on implementation of the parking plan (parking terrace and surface level parking) depicted on the concept plans referenced above.
4. Signage for the Riverwalk Landing project shall be consistent with the standards set out in the commercial development signage guidelines (Section IV.B) of the Yorktown Design Guidelines, adopted by the York County Board of Supervisors on December 2, 2003.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

COMMITTEE REPORTS

There were no committee reports.

COMMISSION REPORTS AND REQUESTS

There were no reports and requests.

STAFF REPORTS

Mr. Carter reported on recent Board Actions.

Mr. Carter announced a Virginia Department of Transportation public informational meeting on January 21 related to the proposed and redefined Fort Eustis Boulevard extension project.

Mr. Carter reported that Ms. Maggie Costello, a Planner with the County for more than a year, is leaving her position next week because her husband accepted a position outside the area. He said she has done a very good job for the County and the staff will miss her.

Mr. Simasek added the good wishes of the Commission.

FUTURE BUSINESS

Mr. Carter advised the members of future business.

ADJOURN

Chair Simasek adjourned the meeting at 8:26 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Andrew A. Simasek, Chair

DATE: February 11, 2004